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1941 Supplement

To

**Mason's Minnesota Statutes**

**1927**

**1939 to 1941**

**(Supplementing Mason's 1940 Supplement)**

Containing the text of the acts of the 1941 Session of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with Law Review Articles and digest of all common law decisions.

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## ARTICLE XIX.—RECORDS AND FUNDS OF VARIOUS STATE AGENCIES

### 53-47. Registration records of certain examining boards, etc.

Monies referred to in §53-47 and §5872, means license

and examination fees collected by board, and not fines which are imposed by courts of competent jurisdiction for violations of act, which should be disposed of in accordance with §9707. Op. Atty. Gen., (188), April 9, 1940.

## CHAPTER 4

### Executive Department

#### THE GOVERNOR

##### 56. State capitol.

Sale of old capitol building site to Minnesota State Armory Building Commission, authorized. Act Mar. 18, 1941, c. 73. Former authorization revoked. Commissioner of administration with approval of governor may permit tourist bureau to construct log cabin on capitol grounds. Op. Atty. Gen., (983i), Feb. 19, 1940.

##### 57. Proclamations.

Day proclaimed by governor as Thanksgiving day is a holiday, but another day proclaimed by the President of the United States is not a holiday. Op. Atty. Gen. (276), Oct. 24, 1939.

Date set aside in proclamation of governor determines date to be observed for Thanksgiving. Op. Atty. Gen. (276), Nov. 6, 1939.

##### 58-1. Sale of personal property of state—Disposition of proceeds.

This section controls sale of iron ore in a stock pile belonging to the state. Op. Atty. Gen., (983m), Oct. 10, 1940.

#### STATE AUDITOR

##### 69. Auditor to prescribe form.

Signatory machines are legal if used as authorized and directed by person whose signature is used. Op. Atty. Gen. (24), Jan. 19, 1941.

##### 80-3. Other duties of state auditor.

Neither state treasurer nor commissioner of administration has any right to regulate the size of bottles containing malt beverage, and they must provide stamps in such denominations as are necessary to meet the needs of the trade. Op. Atty. Gen., (218n), May 31, 1940.

In an emergency treasurer may contract for stamps without advertising for such bid. Op. Atty. Gen., (217n), May 31, 1940.

(c). State treasurer has authority to destroy cancelled stamps for which refundment has been made after public examiner has audited the refundment and stamps. Op. Atty. Gen., (454), July 17, 1940.

No stamps should be destroyed except under supervision of the public examiner. Id.

#### STATE TREASURER

##### 81. Duties—Bond.

Signatory machines are legal if used as authorized and directed by person whose signature is used. Op. Atty. Gen., (24), Jan. 19, 1941.

State warrant issued pursuant to condemnation of property for highway purposes and payable jointly to State of Minnesota and other persons may not be endorsed by state officer and delivered to other payee, since all warrants received by state officer must be deposited with State Treasurer. Op. Atty. Gen., (454), Mar. 8, 1941.

**89. Gifts—Acceptance—Sale.**—The state treasurer is hereby authorized to receive and accept, on behalf of the state of Minnesota, any gift, bequest, devise or endowment which may be made by any person, by will, deed or gift or otherwise, to or for the benefit of the state or any of its departments or agencies, or to or in aid, or for the benefit, support or maintenance of any educational, charitable or other institution maintained in whole or in part by the state of Minnesota, or for the benefit of students, employees or inmates thereof, or for any proper state purpose or function, and the money, property or funds constituting such gifts, bequest, or devise or endowment. Provided, however, that no such gift, bequest, devise or endowment shall be so accepted unless the governor, the state auditor and the state treasurer shall determine that it is for the interest of the state to accept the same, and shall approve of and direct

such acceptance. When in order to effect the purpose for which any such gift, bequest, devise, or endowment has been accepted, it is necessary to sell any property so received the state treasurer, upon request of the authority in charge of the agency, department, or institution concerned, may sell the same at a price which shall be fixed by the state board of investment. (As amended Act Apr. 21, 1941, c. 353, §1.)

**92. Same—Expenditures.**—In the event that such gift, bequest, devise or endowment is made or designated by the donor for a certain institution, department, or agency, the state treasurer shall, from time to time, pay out in the usual manner, upon the order of the board, commission or other body charged with the direct and immediate supervision, control or management of the designated institution, department or agency, all money which may become available for such purpose under the terms of such will, deed of gift or other instrument; and the same shall be expended and applied by such board, commission or other body as nearly as may be, in accordance with the terms and conditions of such gift, bequest, devise or endowment. (As amended Act Apr. 1, 1941, c. 353, §2.)

#### ATTORNEY GENERAL

##### 113. Advice—Opinions.

Opinions of Attorney General are controlling only so far as they relate to laws of the state. Op. Atty. Gen., (310), Feb. 18, 1941.

##### 114. State officers and boards—Special counsel.

Department of highways is entitled to reimbursement from state teacher's college for mileage expenses and compensation of a special assistant attorney general in highway department while working on condemnation proceedings for the college. Op. Atty. Gen. (640), Oct. 20, 1939.

Attorney general has nothing to do with wisdom or expediency of legislation. Op. Atty. Gen., (399c), Dec. 29, 1939.

##### 115. Opinion to county, city, village or town attorney, etc.

Attorney general is not permitted to render official opinions to county auditor. Op. Atty. Gen. (412a-10), Sept. 25, 1939.

County attorney is legal advisor of county treasurer, and questions should, in the first instance, be submitted to him. Op. Atty. Gen., (474h), Oct. 6, 1939.

City attorney is legal advisor of city officials on city affairs, and questions on city affairs should not be submitted to attorney general from any other person, though he is a state senator. Op. Atty. Gen. (64d), Oct. 11, 1939.

In giving opinions attorney general will abide by judgment of district court from which no appeal is to be taken. Op. Atty. Gen. (472t), Nov. 14, 1939.

Attorney general may render official opinions on municipal matters only on request of municipal attorney. Op. Atty. Gen., (476B-2), Jan. 18, 1940.

#### GENERAL PROVISIONS

##### 128-3. Powers and duties.

(c).

State geographic board is authorized to change name of a lake which it has borne for 50 years, with approval of county board, but it should investigate and weigh reasons for and against change, and decide what action will best serve public interests. Op. Atty. Gen., (273a), April 26, 1940.